

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**RICHARD G. TATUM, individually  
and on behalf of a class of all other  
persons similarly situated,**

**Plaintiff,**

**v.**

**R.J. REYNOLDS TOBACCO  
COMPANY, et al.**

**Defendants.**

**Civil Action No. 1:02 CV 00373**

**SUGGESTION OF  
SUBSEQUENTLY DECIDED  
AUTHORITY**

Plaintiff, pursuant to LR 7.3(i), hereby submits the following subsequently decided authority, a copy of which is attached as Exhibit A: *Plasterers' Local Union No. 96 Pension Plan v. Pepper*, 10-1364, 2011 WL 6000580, — F.3d —, at \*11-12, 14 & n.9 (4th Cir. Dec. 1, 2011) (with relevant language highlighted pursuant to the Court's direction at trial). The case should be added to the citations in Paragraph 387 of [Corrected] Plaintiffs [Proposed] Findings of Fact and Conclusions of Law, ECF No. 415.

Dated: December 12, 2011

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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